

OBAID ULLAH VS THE STATE

Madd No. 16, Dated: 25.04.2025, U/S 506, 427, 337-F(i)/337-F(ii)/34
PPC, PS Mishti Mela

IN THE COURT OF BAKHT ZADA ADDITIONAL SESSIONS JUDGE-I,
ORAKZAI AT BABER MELA

Bail Application No : 44/4 of 2025
Date of Institution : 03.05.2025
Date of Decision : 06.05.2025

Order No. 04
06.05.2025

APP, Arif Akbar for the state present. Mr.

Sanaullah Khan Advocate for accused/petitioner has sent written arguments. On 05.05.2025 complainant produced before the court on Zamima Bay. Record received. Arguments heard and record gone through.

2. The accused/petitioner namely, Obaid Ullah S/O Lal Man Shah, R/O Qaum Mishti, Village Chinar Kalay, Central Orakzai is seeking his post arrest bail in Madd No. 16 of the case FIR No. 25, Dated 25.04.2025, registered U/S 506, 427, 337-F(i), 337-F(ii)/34 PPC, registered at Police Station Mishti Mela.

3. Facts of the case as per contents of Naqalmand No. 16 dated 25.04.2025 are that at about 1130 the complainant Qecmat Khan S/O Nawab Khan aged about 29/30 years along with his brother Inam Khan both residents of Qaum Mishti, Tappa Mamizi, Village Chinar Kalay reported to the ASHO that on the day of occurrence he along with his brother were busy in cleaning the woods. In the meanwhile, accused/petitioner Obaid Ullah along with co-accused Muhammad Ismail came there and told them why are they are grazing their cattle in their fields. In response

Shauel
BAKHT ZADA 25
Addl. District & Sessions Judge-I,
Orakzai at Hangu

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he denied and stated that he is grazing his cattle in their own fields. On which altercation took place and the accused/petitioner along with co-accused attacked them with sticks and stones, resultantly the complainant got injured on various parts of his body. The accused/petitioner made aerial firing for criminal intimidation. He charged the accused/petitioner for the commission of the offence. The occurrence is the cross version of FIR No. 25 dated 25.04.2025, U/S 506, 427, 337-F(i), 337-F(ii)/34. The complainant party being accused in the FIR were arrested and their card of arrest was issued.

4. Arguments heard and available record perused which shows that the accused/petitioner is although directly charged in the FIR, but no specific role of inflicting injuries at the person of the complainant has been attributed to the accused/petitioner. The offence is cross version of the above-mentioned FIR and it is yet to be determined that who is the aggressor and who was aggressed upon. Furthermore, the punishment provided for the offence does not fall within the ambit of Section 497 Cr. PC, therefore, I hereby accept the instant application and release the accused/petitioners on bail subject to submission of bail bonds in the sum Rs. 80,000/- with two sureties each, each in the like amount to the satisfaction of court. The sureties must be local, reliable and men of means.

Once
6.5.25
BAKHT ZADA
Sessions Judge-1
Jhelum District

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5. Copy of this order be placed on police/judicial file. Case file be consigned to the record room after its necessary completion and compilation while record be returned to the quarter concerned.

Announced
06.05.2025

Saeed
6.5.25

BAKHT ZADA

Additional Sessions Judge-I, Orakzai
at Baber Mela